

JHK:JPL
F.# 2009R00409

M-09-372

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

UNDER SEAL

- against -

C O M P L A I N T

SADDIQ AL-ABBADI, also known as
"Sufiyan al Yemeni" and
"Sufwan," and
ALI ALVI, also known as
"Issa al Yemeni,"

(T. 18, U.S.C. §§
2332(b)(2), 2339B(a)(1)
2339B(d)(1)(E),
2339B(d)(1)(F), 2 and
3551 et seq.)

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

HENRY C. HEIM, being duly sworn, deposes and states
that he is a Special Agent with the Federal Bureau of
Investigation ("FBI"), duly appointed according to law and acting
as such.

CONSPIRACY TO MURDER UNITED STATES NATIONALS ABROAD

Upon information and belief, in or about and between
March 2003 and February 2009, both dates being approximate and
inclusive, within the extraterritorial jurisdiction of the United
States, the defendants SADDIQ AL-ABBADI, also known as "Sufiyan
al Yemeni" and "Sufwan" (hereinafter "SUFIYAN"), and ALI ALVI,
also known as "Issa al Yemeni" (hereinafter "ISSA"), together
with others, did knowingly, intentionally and with malice
aforethought conspire to kill one or more nationals of the United

States, to wit: United States military personnel, while such nationals of the United States were outside of the United States.

In furtherance of the conspiracy and to effect its objectives, the defendants SUFIYAN and ISSA, together with others, committed and caused to be committed, among others, the following overt acts:

In or about and between 2003 to 2007, both dates being approximate and inclusive, the defendant SUFIYAN engaged in attacks against the United States military in Iraq;

In or about March 2008, the defendants SUFIYAN and ISSA, together with others, traveled within the Federally Administered Tribal Areas of Pakistan for the purpose of fighting with Al Qaeda;

In approximately the late Spring or early Summer months of 2008, SUFIYAN traveled from Pakistan to Ghazni, Afghanistan for the purpose of fighting and killing members of the United States military; and

In approximately the Spring of 2008, ISSA traveled from Pakistan to Paktika, Afghanistan for the purpose of fighting and killing members of the United States military.

(Title 18, United States Code, Sections 2332(b)(2), 2 and 3551 et seq.)

MATERIAL SUPPORT OF AL QAEDA

Upon information and belief, in or about and between December 2007 and February 2009, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendants SUFIYAN and ISSA, together with others, did knowingly and intentionally provide material support and resources, as defined in 18 U.S.C. § 2339A(b), including personnel, to a designated foreign terrorist organization, to wit: Al Qaeda, knowing that Al Qaeda engages in terrorism, in violation of Title 18, United States Code, Section 2339B.

(Title 18, United States Code, Section 2339B(a)(1), 2339B(d)(1)(E), 2339B(d)(1)(F) and 3551 et seq.)

FACTUAL ALLEGATIONS

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been a Special Agent with the FBI for approximately three years. During my tenure as a Special Agent with the FBI, I have conducted and participated in numerous investigations of terrorist activity, including investigations of Al Qaeda.

2. My information in this case comes from my own personal participation in the investigation, my review of

¹ Because the purpose of this affidavit is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

reports, conversations I have had with other law enforcement officers about this matter, and my training and experience as an FBI Special Agent.

3. On October 8, 1999, Al Qaeda was designated by the Secretary of State as a foreign terrorist organization in accordance with section 219 of the Immigration and Nationality Act. On February 23, 1998, Al Qaeda issued the following directive:

in compliance with God's order, we issue the following fatwa to all Muslims: The ruling to kill the Americans and their allies -- civilians and military -- is an individual duty for every Muslim who can do it in any country in which it is possible to do it[.]

Al Qaeda has committed numerous large scale terrorist attacks against the United States, including, inter alia, (1) the August 7, 1998 bombings of United States embassies in Nairobi, Kenya, and Dar Es Salaam, Tanzania, which killed hundreds of people; and (2) the September 11, 2001 attacks on the World Trade Center and Pentagon, which caused the deaths of thousands of Americans.

4. On October 7, 2001, the United States armed forces began military attacks against Al Qaeda in Afghanistan. This military action continues to the present day.

5. During the course of this investigation, I have learned that Al Qaeda maintains training facilities and safe houses within the Federally Administered Tribal Areas of Pakistan ("FATA"). The FATA encompasses approximately 27,500 square

kilometers and is located on the border between Pakistan's North-West Frontier Province and southern Afghanistan. The Center for Strategic and International Studies describes the FATA as "ground zero in the U.S.-jihadist war. . . . [and] home to many Al Qaeda operatives, especially the numerous foreigners from the Arab world, Central Asia Muslim areas of the Far East and even Europe who flock to this war zone for training, indoctrination, and sometimes respite from repression at home." Nawaz, Shuja, "FATA- A Most Dangerous Place," Center for Strategic and International Studies Press, January 2009, pp. vi, 1.

6. On March 20, 2003, the United States armed forces began military action in Iraq, which continues to the present day. Al Qaeda has played a significant role in the insurgent attacks against United States forces in Iraq. According to the Congressional Research Service, Al Qaeda in Iraq is "[a] numerically small but politically significant component of the insurgency. . . . [Al Qaeda in Iraq] has been a U.S. focus from very early on in the war because, according to U.S. commanders in April 2007, it is responsible for about 90% of the suicide bombings against both combatant and civilian targets." Katzman, Kenneth, "CRS Report For Congress, Iraq: Post-Saddam Governance and Security," Sept. 6, 2007, p. 31. There is substantial

reporting that since the emergence of the "Sunni Awakening"² significant numbers of Al Qaeda in Iraq fighters have relocated to the FATA. See e.g., Katzman, Kenneth, "CRS report for Congress, Al Qaeda in Iraq, Assessment and Outside Links," Aug. 15, 2008, pp. 13-18.

7. As part of this ongoing investigation, law enforcement agents met with a cooperating witness ("CW #1").³ In sum and substance, and in part, CW #1 stated as follows. CW #1 traveled to Pakistan in 2007 with the intention of waging violent jihad against United States armed forces in Afghanistan. CW #1 eventually joined Al Qaeda and participated in terrorist activity, including, inter alia, a rocket attack against United States military.

8. CW #1 was not admitted to Al Qaeda immediately upon his arrival in Pakistan. CW #1 traveled from safe house to safe house in the FATA looking to join a group that would provide

² The "Sunni Awakening" refers to a local Iraqi movement opposed to Al Qaeda in Iraq.

³ CW #1 has pleaded guilty, pursuant to a cooperation agreement with the government, to serious offenses that relate to CW #1's involvement with Al Qaeda, including conspiracy to murder Americans abroad, in violation of 18 U.S.C. § 2332(b), material support of Al Qaeda, in violation of 18 U.S.C. § 2339B, and receiving military-type training from Al Qaeda, in violation of 18 U.S.C. § 2339D. Information provided by CW #1 has proven reliable and accurate in the past. CW #1 faces a statutory sentencing range of up to life imprisonment and a sentencing guidelines range of life imprisonment. Pursuant to the cooperation agreement, CW #1 is subject to breach if he provides false information.

him with military-type training and enable him to fight American forces in Afghanistan. In approximately December 2007, CW #1 was taken to an Al Qaeda safe house located in South Waziristan⁴ and vetted for admission to Al Qaeda. CW #1 observed several Arab men in the house including the defendant ISSA.⁵ While at this safe house, one of the Al Qaeda fighters questioned CW #1 about his intentions and then refused to allow CW #1 join the group. CW #1 later learned that this individual suspected that CW #1 was a spy. CW #1 also later learned that this individual was the primary instructor for the Al Qaeda electronics training course. At this course Al Qaeda fighters are taught, among other things, how to build bomb circuitry.

9. In approximately January 2008, CW #1 arrived at a safe house in the FATA which was used by Al Qaeda fighters, as well as fighters from other jihadist groups. CW #1 was not yet a member of Al Qaeda but was permitted to stay at this house for several months. In approximately March 2008, defendants SUFIYAN and ISSA, together with others, arrived and stayed at this house with CW #1.⁶ SUFIYAN and ISSA carried Kalashnikov assault

⁴ South Waziristan is an agency (e.g. sub-division) within the FATA.

⁵ CW #1 learned that it is standard practice for Al Qaeda fighters to use aliases to hide their true identities. CW #1 has provided a detailed physical description and other information that matches ISSA,

⁶ CW #1 identified a known photograph of SUFIYAN,

which is known by the FBI to be an alias used by Ali Alvi, who matches the physical description and identification by CW #1.

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OF SADDIQ AL-ABBADI as the person he knew as

rifles. ISSA and another individual recognized CW #1 from their first meeting several months prior at the South Waziristan safe house. CW #1, SUFIYAN, ISSA and others became close associates over the course of the next month while they lived together at the safe house.

10. CW #1 learned that defendants SUFIYAN and ISSA were members of Al Qaeda, and that SUFIYAN had previously fought against United States forces in Iraq. SUFIYAN explained to CW #1 that the fighting was much more intense in Iraq than it was in Afghanistan. SUFIYAN showed CW #1 a scar from a bullet wound that he sustained while fighting United States military or Blackwater forces in Iraq.⁷ SUFIYAN also showed CW #1 a clip on his Kalashnikov assault rifle that he had taken in Iraq as part of the "spoils of war." SUFIYAN also showed CW #1 a jihadist video that was recorded in Iraq. The video depicts jihadists celebrating after a successful attack, and SUFIYAN pointed himself out to CW #1 in the video holding a Kalashnikov assault rifle in the air and celebrating.

11. After observing CW #1 for several weeks, SUFIYAN and ISSA agreed to help CW #1 gain entrance into Al Qaeda. CW #1's purpose for joining Al Qaeda was to kill United States

⁷ Blackwater is a private military company based in North Carolina. Blackwater previously provided security services in Iraq to several United States federal government entities, including the Department of State, on a contractual basis.

military personnel. To this end, SUFIYAN and ISSA brought CW #1 to a different Al Qaeda house in the FATA. SUFIYAN went into this house on CW #1's behalf to meet with an Al Qaeda member who could facilitate CW #1's entrance into the terrorist organization. For reasons unknown to CW #1, SUFIYAN's request was refused. SUFIYAN explained to CW #1 that if Al Qaeda in Pakistan refused to admit CW #1, SUFIYAN would arrange for CW #1 to join Al Qaeda in Yemen. SUFIYAN explained that he was close with the group's leader in Yemen and could write him on CW #1's behalf. However, this proved unnecessary because shortly thereafter, SUFIYAN spoke with another individual who ultimately facilitated CW #1's admission into Al Qaeda in Pakistan.

12. Over the next several months, CW #1 participated in a three-stage Al Qaeda training program in the FATA. A principal goal of this training was to prepare recruits to fight and kill United States and allied forces in Afghanistan. The first course was a basic weapons course that involved training on how to use grenades and fire several weapons. The second course involved explosives training. The third course involved training on projectile weapons.

13. In approximately August 2008, after completing his training, CW #1 traveled in the FATA to meet with and receive his orders from an Al Qaeda senior military commander who is responsible for all of Al Qaeda's military activity in the

Afghanistan/Pakistan region. This meeting took place in a mosque which was used regularly by Al Qaeda senior leadership as a meeting place. Upon arriving at the mosque, CW #1 encountered SUFIYAN who was meeting with the third ranking member of Al Qaeda (behind only Osama bin Laden and Ayman al-Zawahiri). CW #1 was surprised to see SUFIYAN because CW #1 had heard from other Al Qaeda members that SUFIYAN had been killed while fighting in Ghazni, Afghanistan.⁸ SUFIYAN greeted CW #1, confirmed that he had recently fought in Ghazni, and stated that the fighting in Ghazni was good.

14. CW #1 learned that ISSA grew dissatisfied with Al Qaeda senior leadership, left the group and joined the Taliban. In approximately October 2008, CW #1 stayed with ISSA at a safe house over the course of approximately two to three days. During this time CW #1 learned that ISSA was fighting alongside the Taliban in Paktika Province of Afghanistan.⁹ United States military forces engaged Taliban and Al Qaeda forces in Paktika Province during this time period.

15. As part of this ongoing investigation law enforcement agents met with a confidential source ("CS #1").¹⁰

⁸ Ghazni is a province located in East-Central Afghanistan.

⁹ Paktika Province is located in Afghanistan and is bordered by the FATA.

¹⁰ CS #1 was debriefed by agents of the FBI and has admitted to serious offenses related to his involvement with Al

CS #1 decided to wage violent jihad after seeing pictures of detainee abuse at Abu Ghraib prison in Iraq, and cartoons of the prophet Mohammed in a Danish newspaper. In approximately 2006, CS #1 traveled from Saudi Arabia to Iran with the intent of entering Iraq to fight jihad. While in Iran, CS #1 met SUFIYAN, together with others, at an Al Qaeda safe house.¹¹ While at this safe house, the group watched jihadist videos of attacks on American soldiers, including mortar and improvised explosive device ("IED") attacks. CS #1 was ultimately unable to enter Iraq and was given a choice by an Al Qaeda facilitator to fight in Chechnya or Afghanistan. CS #1 decided to fight in Afghanistan.

16. CS #1 traveled through Iran and was smuggled across the border into Pakistan, where he traveled into the FATA to the town of Jani Kheyl. Upon arriving in Jani Kheyl, CS #1 was taken to a safe house and introduced to a senior member of Al Qaeda who was responsible for processing new Al Qaeda recruits.¹²

Qaeda, including providing training to Al Qaeda fighters in battlefield first-aid, and participating in an attack on an Afghan National Police station and an adjoining mosque in Gardez, Afghanistan. Much of the information provided by CS #1 has been corroborated by independent sources and has proven reliable.

¹¹ CS #1 has positively identified a photograph of SUFIYAN.

¹² Information provided by CW #1 corroborates this account. During his time in Al Qaeda, CW #1 learned that many Al Qaeda fighters from the Middle East enter Pakistan through Iran. CW #1 also learned that these Middle Eastern fighters were taken to Jani Kheyl for processing by this same senior member of Al Qaeda

While at this house, CS #1 obtained a Khalashnikov assault rifle and his Al Qaeda alias, or "kunya". CS #1 observed SUFYIAN at this safe house, together with other Al Qaeda fighters.

17. After approximately one or two months at this safe house, CS #1 was taken to Al Qaeda's basic firearms training course in the mountains. SUFYIAN accompanied CS #1 to this training. During this training, CS #1 learned how to fire and clean various weapons, including the Khalashnikov assault rifle and the PK machine gun. CS #1 also learned how to fire a rocket propelled grenade. After he completed this firearms training course, CS #1 traveled with SUFYIAN and others to several safe houses. CS #1 stated that it was SUFYIAN's decision when to move from one safe house to another.

18. CS #1 was then taken, together with others, to Al Qaeda's tactical training course. SUFYIAN did not accompany CS #1 to this training. During this training, CS #1 learned how to move in formation in mountainous terrain, coordinate attacks with multiple fighters, and retreat in an organized fashion. Upon completing his training, CS #1 returned to a safe house in the FATA. At this safe house, CS #1 reunited with SUFYIAN. SUFYIAN advised CS #1 of an Al Qaeda affiliated group that was looking for additional fighters. Shortly thereafter, CS #1 joined this group of fighters.


named by CS #1.

19. CS #1 traveled with this group of fighters into Paktyka, Afghanistan, where they launched rocket attacks against American and coalition forces. After approximately two months of fighting, the emir of this group was injured, and the group retreated to the FATA. While back in the FATA, CS #1 stayed in various Al Qaeda safe houses and met several members of the Al Qaeda senior leadership, including the third-ranking member of Al-Qaeda. CS #1 received additional Al Qaeda training on numerous subjects, including how to build IEDs. CS #1 became an Al Qaeda instructor and offered training in battlefield first-aid, including how to dress a wound and perform CPR.

20. In June 2008, CS #1 was part of an Al Qaeda group that attacked an Afghan National Police station and an adjoining mosque in Gardez, Pakistan. CS #1's statements about this attack are corroborated by, among other things, statements of other witnesses and videotape evidence.

WHEREFORE, your deponent respectfully requests that defendants SADDIQ AL-ABBADI, also known as "Sufiyan al Yemeni" and "Sufwan," and ALI ALVI, also known as "Issa al Yemeni," be dealt with according to law. Because of the nature and content of the

charges alleged herein, the government requests that the complaint and arrest warrants be filed under seal until further order of this Court.


HENRY C. HEIM
Special Agent
Federal Bureau of Investigation

Sworn to before me this
15th day of April, 2009

UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK